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Attorneys for Defendant Jan Rouven Fuechtener

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

JAN ROUVEN FUECHTENER,

Defendant.)

Case No. 2:16-cr-100-GMN-CWH

DEFENDANT'S PROPOSED VOIR DIRE

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COMES NOW the defendant, **JAN ROUVEN FUECHTENER**, by and through his attorneys of record, **JESS R. MARCHESE, ESQ.**, and **MICHAEL SANFT, ESQ.**, and hereby files his proposed voir dire.

DATED this 20th day of May, 2016.

/S/ Jess R. Marchese

JESS R. MARCHESE, ESQ.

Nevada Bar No. 8175

Attorney for Defendant

STATEMENT OF THE CASE

The Defendant herein is charged with Receipt of Child Pornography, Advertising Child Pornography, Possession of Child Pornography, and Distribution of Child Pornography all in violation of United States Code.

PROPOSED QUESTIONS

- 1) Has anyone in the jury panel work or previously worked in law enforcement? Does anyone have any close family or friends involved in law enforcement?
- 2) Is there any prospective juror that would give more weight to the testimony of a law enforcement officer simply because of their title or position?
- 3) This case involves circumstantial evidence. This means that much of the testimony will not come from eye witnesses. Knowing that fact, will any of you be more likely to accept or reject evidence that someone may not have personally observed?
- 4) Both sides intend to call expert witnesses in this case in the area of computers. Is there anyone who would not accept that person as an expert in that particular field?
- 5) The Defendant in this case was born in Germany. Is there anyone that has any bias or prejudice against immigrants that would make them unable to fair and impartial in this case?
- 6) The Defendant in this case identifies as a homosexual. Is there anyone that has any particular bias or prejudice towards that lifestyle that would make them unable to be fair and impartial in this case?
- 7) The Defendant in this case is legally married to and resides with another man. Is there anyone that has any particular bias or prejudice towards that lifestyle that would make them unable to be fair and impartial in this case?

- 1 8) The Defendant in this case is involved in an “open” relationship with his husband,
2 meaning he is allowed to have sexual relations with men outside of his marriage. Is there
3 anyone that believes this fact would make it difficult for them to be a fair and impartial
4 juror in this case?
5
- 6 9) The subject matter of this case involves the possession, receipt, distribution, and
7 advertising of child pornography via computer. Is there anyone in the audience that does
8 not know how to use a computer either at home or work?
9
- 10 10) At home, what do you use a computer for?
- 11 11) At work, is your computer connected to a network? Do you ever use other computers at
12 work?
- 13 12) At home, do you download things from the internet onto your computer? Do you view
14 pictures of friends and family that might be downloaded onto a website?
- 15 13) How many of you feel confident in your computer skills such that you would assist
16 someone if they were having issues with their computer?
17
- 18 14) How reliable do you find computers to be?
- 19 15) Do you feel information that you obtain from a computer more or less reliable than
20 information that you receive from other sources?
21
- 22 16) Does anyone have experience downloading or streaming movies?
23 a) If so, have you ever made a video clip?
24 b) If so, have you ever downloaded or stored a video clip onto your computer?
- 25 17) How many of you know how to find a file and then open it, after you have downloaded
26 it?
27
- 28 18) How many of you believe that if you “delete” a file from your computer that it is actually

1 19) gone and cannot be found on your computer?

2 20) What if you empty the recycle bin on your computer? Is the file gone if you then do that?

3 21) Have any of you heard of computer forensics? If so, what does that mean to you?

4 22) Would you have difficulty viewing pictures of children being sexually exploited so much
5 that it would make it difficult for you to be a juror in this case?

6 23) Have you watched, read, or heard of any media reports on the sexual exploitation of
7 children?

8 a) How did that information affect you?

9 b) Has the information that you've obtained changed your views on child exploitation
10 cases or the court system as it deals with child exploitation cases?

11 24) Do any of you work with children as either an instructor or counselor? Do you have
12 special training to work with children?

13 25) Have any of you or anyone closely associated with you been a victim of identity theft?

14 26) Does any member of the jury panel hold any belief that would make it impossible for
15 them to serve as a juror in this case? For example, do you believe a defendant is guilty
16 simply because he is sitting in court?

17 27) Have any of you heard anything about the facts of this case prior to coming to court today
18 to potentially serve as a juror?

19 28) Have any of you seen or heard of the show Illusions at the Tropicana?

20 29) Do any of you have any moral beliefs about pornography? If so, what are they?

21 30) Have you, or someone you know, been the victim of computer hacking?

22 31) Have you ever used a cloud based storage site such as Dropbox or Google Drive?

23 32) Are you familiar with "peer to peer" networking such as BitTorrent, Gigatribe or
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1 Limewire or have seen someone else use it?

2 33) Is there any reason that you cannot be a fair and impartial juror in this case?

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6 **CERTIFICATE OF SERVICE**

7 I hereby certify that I am an employee of the MARCHESE LAW OFFICES, and that on
8 the 20th day of May 2016, I served a copy of the foregoing: **DEFENDANT'S PROPOSED**
9 **VOIR DIRE** via the CM/ECF system upon the following.

10 **Government Counsel:**

11 Ms. Elhan Rouhani, Esq.
12 Ms. Christina Silva, Esq.

13 /s/
14 *an employee of Marchese Law Offices*
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